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EPA FINES SIX COMPANIES \$6.9 MILLION

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EPA FINES
SIX CHEMICAL
MANUFACTURERS
\$6.9 MILLION
FOR CHEMICAL
NOTIFICATION
VIOLATIONS

The U.S. Environmental Protection Agency announced today that it is fining six chemical manufacturers a total of \$6.9 million for failing to notify EPA before they began manufacturing of new chemicals.

The companies are BASF Wyandotte Corp. of Wyandotte, Mich.; Ciba-Geigy Corp. of Hawthorne, N.Y.; BASF Systems Corp. of Bedford, Mass.; Union Carbide of Danbury, Conn.; Dow Corning Corp. of Midland, Mich.; and Tremco Inc. of Cleveland, Ohio, which is part of Akron Adhesives, a wholly-owned subsidiary of B.F. Goodrich Co. (BASF Systems and BASF Wyandotte are wholly-owned subsidiaries of the West German company BASF AG, and are independent of each other).

"The failure by these companies to notify EPA before they manufactured certain chemicals is a clear violation of the Toxic Substances Control Act (TSCA) and thwarts the agency's ability to evaluate the toxic potential of new chemicals," said Dr. John A. Moore, Assistant Administrator for Pesticides and Toxic Substances.

The companies specifically violated Section 5 of TSCA, which requires all firms to notify EPA 90 days before they manufacture or import a new chemical. The premanufacture notification allows EPA to evaluate a chemical for any hazards before it is commercially marketed. The manufacture of new chemical substances is prohibited by law until EPA reviews each chemical substance. If a chemical presents an unreasonable risk, EPA can regulate or ban its manufacture, distribution, use and disposal.

Companies that violate Section 5 or any provision of TSCA can be fined up to \$25,000 for each day the violation continues.

"Since TSCA relies on the chemical industry for use and production data, the agency places great emphasis upon the notification requirements of TSCA," noted Courtney M. Price, Assistant Administrator for Enforcement and Compliance Monitoring. "When violations of these provisions are found, they warrant strong enforcement actions. These cases reflect EPA's increased enforcement emphasis on assuring that chemical manufacturers comply with reporting and information-gathering provisions of TSCA."

EPA is not disclosing the identity of the chemicals in these cases--or their intended uses or production amounts--because the companies have claimed this as confidential business information under Section 14 of TSCA.

EPA detected the violations by Union Carbide and Ciba-Geigy during routine plant inspections by the agency.

The agency has filed a civil administrative complaint against Union Carbide seeking a proposed penalty of \$212,500 for failing to notify EPA that it was producing a new chemical at its Sisterville, W.Va., plant. EPA is also charging that Union Carbide not only manufactured but also used this new chemical for commercial purposes when it had reason to know it was in violation of the law.

This is the second civil complaint under TSCA EPA has issued against Union Carbide this year. In March, the agency fined the company \$3.9 million for withholding information showing that a substance called diethyl sulfate caused skin cancer in mice, a violation of reporting requirements of Section 8(e) of TSCA.

Ciba-Geigy was fined \$1.54 million for illegally manufacturing two chemical substances on several occasions at its Ren Plastics facility in East Lansing, Mich. without notifying the agency; EPA alleges that these two chemicals were used for commercial purposes many times.

The other four companies voluntarily disclosed to the agency their failure to notify EPA. The agency can reduce the size of penalties up to 50 percent whenever a firm voluntarily reports its own violations, cooperates fully with EPA, and takes remedial action to protect health and the environment.

BASF Systems, Bedford, Mass. is being penalized a proposed \$1,436,000 for several counts of failing to notify the agency that it was manufacturing one new chemical and for using that chemical for commercial purposes.

BASF Wyandotte was fined \$3,756,000 for manufacturing two chemical

substances and extensively using one of the chemicals without notification. These alleged violations were at the company's Holland, Mich. plant. Dow Corning and Tremco were penalized \$7,500 and \$6,000 respectively for manufacturing without notification on several occasions.

The companies cited today have 20 days from the day they receive the complaint notice to request a public hearing to contest the charges.

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